



Express Mail Label No. [redacted]

Dated: [redacted]

Docket No.: 02954/100J910-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Soren A. Rasmussen et al.

Application No.: 10/038,512

Confirmation No.: 5999

Filed: October 19, 2001

Art Unit: 2857

For: AN AUTOMATIC MACHINERY FAULT
DIAGNOSTIC METHOD AND APPARATUS

Examiner: M. C. Baran

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action mailed February 20, 2004 (Paper No. 5), the Examiner has required restriction between:

- I. Claims 1-34, drawn to a fault diagnosis for components on each of a plurality of machines or components;
- II. Claims 35-39, drawn to an automatic diagnosis supervisor; and
- III. Claim 40, drawn to a fault object message.

The Examiner further contends that the application contains claims directed to the following patentably distinct species of the claimed invention.

- A. Claims 1-3, 11-15 and 21;
- B. Claims 4-10, 16-20 and 22;
- C. Claim 23; and
- D. Claims 25-34.

Applicant respectfully traverses this requirement for the reasons set forth below; however, Applicant hereby provisionally elects the invention of Group I, Claims 1-34, drawn to a fault diagnosis for components on each of a plurality of machines or components, as well as species B, Claims 4-10, 16-20 and 22 for continued examination.

Applicant is aware that claim 24 is considered generic and will be examined with the above elected Group and Species B.

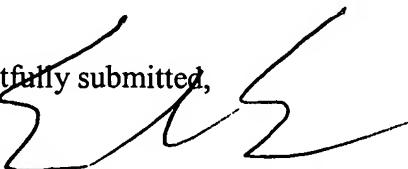
Applicant respectfully traverses the election requirement on the basis that Applicant contends that the application contains only one species, i.e., an embodiment which includes all of the features of the claims contained in the groups set forth by the Examiner. The various features in the different groups indicated by the Examiner regarding the election requirement are not alternative features of different species but different subsets of the claimed features of the single species described in the application. Accordingly, Applicant does not consider that the different claims of the groups represent different species but instead constitute one single species. On these grounds, Applicant requests reconsideration and regrouping of the species A-D and examination of claims 1-34.

Applicant hereby reserves the right to continue prosecution of the non-elected claims in a divisional application.

It is believed that the present communication is fully responsive to the outstanding Office Action.

Dated: May 13, 2004

Respectfully submitted,

By 
Edward J. Ellis

Registration No.: 40,389
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant